

NOTIFICATION

Law and Judiciary Department
Mantralaya-400 032
Dated the 19th October, 2010

Constitution of
India

No. MCJ-0810/856/CR-165/Desk-11 - Whereas the Department of Justice has identified a number of initiatives for improvement of Justice Delivery; the first being increasing the number of court working hours, using the existing infrastructure by holding Morning or Evening or Shift Courts;

And Whereas, the 13th Finance Commission, after careful consideration has agreed to support the proposals made by the Department of Justice by approving the grant of Rs.5000 Crores;

And Whereas, the share of the State of Maharashtra in the allocation of grants for improving Delivery of Justice has been earmarked as Rs.542.65 Crores and out of this for the component Morning or Evening Courts allocation being Rs.297.57 Crores for next five years;

And Whereas, the first year's allocation has been rolled out to the State Government which is to be utilized during the financial year 2010-11. Now, therefore, in exercise of the powers conferred by the proviso to articles 309, 227 and 235 of the Constitution of India and of all other

powers enabling it in this behalf, the Governor of Maharashtra, in consultation with the High Court of Bombay, hereby makes the following rules for introduction and implementation of the scheme of Morning Courts in the State of Maharashtra, namely :-

1. *Short Title* - These rules may be called the Maharashtra Morning Courts Rules, 2010
2. *Definitions*— In these rules, unless the context otherwise requires -
 - (a) "Court" means the Court under the control of the High Court;
 - (b) "Morning Court" means the Court as notified under rule 6 of these rules;
 - (c) "Morning Court Judge" means any person appointed under rule 4 of these rules, to preside over the Morning Court;
 - (d) "Government" means the Government of Maharashtra;
 - (e) "High Court" means the High Court of Bombay;
 - (f) "Member of Staff" means any person or employees working in the Courts.
3. *Jurisdiction of Morning Court* - The Morning Court shall have jurisdiction to entertain and try all kinds

of cases, suits or other proceedings as may be assigned by the Principal District Judge, Principal Judge, Chief Judge, Chief Metropolitan Magistrate or Chief Judicial Magistrate, as the case may be.

4. *Appointment of Morning Court Judges* - (1) The High Court may appoint, depute or transfer any serving Judicial Officer as a Morning Court Judge.
- (2) The Government may, in consultation with the High Court, appoint any retired Judicial Officer as a Morning Court Judge.

Provided that, no person shall act as a Morning Court Judge after he has completed sixty-seven years of age.

5. *Appointment of member of staff of Morning Court* -
- (a)(1) The Presiding Officer may, in consultation with the Principal District Judge, Principal Judge, Chief Judge or the Chief Metropolitan Magistrate at the station, as the case may be, appoint any serving member of the staff to be a member of the staff of the Morning Court.
- (2) The Principal District Judge, Principal Judge, Chief Judge or the Chief Metropolitan Magistrate may appoint any person who had been a member of

the staff to be a member of the staff of Morning Court :

Provided that, no person shall work as a member of the staff in the Morning Court after he has completed sixty-two years of age.

(3) The number of staff shall not exceed more than five, that is, one Assistant Superintendent, wherever necessary, one Sheristedar or one who is holding a post not higher than that of the Sheristedar, one Stenographer (Lower Grade), one Clerk-Typist and one Peon, for each Morning Court.

(4) The Director of Prosecution shall appoint as many Assistant Public Prosecutors as may be required to conduct the cases before the Morning Court, who shall be entitled to get twenty per cent of their basic pay in addition to their officiating pay.

6. *Notification of Morning Court* - The High Court may notify as many Courts to be the Morning Courts as required under these rules, not exceeding the number of the Morning Courts sanctioned by the Government, from time to time.

7. *Working Hours* - All Morning Courts shall sit everyday except on holidays during the period from 8.30 a.m. to 10.30 a.m.

8. *Restrictions to work in both the shifts* - No in-service Judicial officer shall work in Morning Court as well as Evening Court on any single working day.
9. *Remuneration* - Remuneration of Morning Court Judges and members of staff in Morning Courts shall be as under :
- (1) Where the serving Judicial Officers are appointed to preside over the Morning Courts, they shall be paid twenty per cent of their respective basic pay as revised from time to time, as additional pay.
- (2) Every retired Judicial Officer, who has been appointed as a Judge of Morning Court, shall be entitled to twenty per cent of his last drawn basic pay as was admissible to him prior to his retirement.
- (3) The staff members appointed in Morning Court shall receive twenty per cent, of their respective basic pay as revised from time to time, as additional pay.
- (4) The retired staff members, if any, appointed to work in the Morning Court shall be entitled to receive twenty per cent of their respective last drawn basic pay as was admissible to them prior to their retirement.
10. *Supervision and Control* - Subject to the overall control of the High Court, the Principal District Judge, Principal Judge, Chief Judge, Chief Metropolitan Magistrate or the

Chief Judicial Magistrate at the station, as the case may be, shall supervise and monitor the functioning of the Morning Courts.

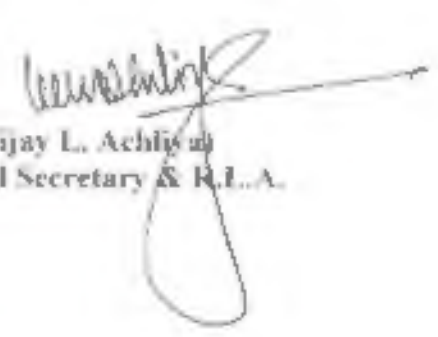
11. *Discontinuation of service* - The services of the Morning Court Judge appointed under sub-rule (2) of rule 4 and a member of staff appointed under sub-rule (2) of rule 5 to work in the Morning Court may be discontinued by the appointing authority at any time without notice and without assigning any reason and upon such discontinuation he shall immediately cease to hold such office. Such discontinuation of service shall not be treated as a stigma and shall not have adverse effect on his career in any manner.

12. *Savings* - (1) The law in force, as applicable to the Regular Courts, shall also be applicable to Morning Courts notified under these rules.

(2) The jurisdiction of Morning Court to deal with the cases

(3) specified in rule 3 of these rules shall be concurrent with the Regular Court.

By order and in the name of the Governor of Maharashtra


(Vijay L. Acharya)
Principal Secretary & R.L.A.


No. MCJ-0810-856-C.R.165/Desk-11
Law and Judiciary Department,
Mantralaya, Mumbai - 400 032,
Dated the - 19th October, 2010

Copy forwarded with compliments to

The Registrar General, High Court, Mumbai (by letter)
The Registrar, High Court, (Appellate Side), Mumbai (by letter)
Chief Metropolitan Magistrate, Mumbai,
City Civil and Session Court, Mumbai,
Principal Judge, Small Causes Court, Mumbai,
All Principal District and Sessions Judge,
The Principal Secretary, Maharashtra Legislative Assembly,
Vidhan Bhavan Mumbai
The Accountant General-I (Accounts & Entitlement), Maharashtra, Mumbai
The Accountant General-II (Accounts & Entitlement), Maharashtra, Nagpur
The Accountant General-I (Audit), Maharashtra, Mumbai
The Accountant General-II (Audit), Maharashtra, Nagpur
Pay and Account officer, Mumbai,
Resident Audit Officer, Mumbai,
All District & Treasury officer, Maharashtra,
The Finance Department (EXP-6), Financial reforms,
Chief Secretary, Government of Maharashtra, Mantralaya, Mumbai,
The Director of Information and Public Relations, Mantralaya, Mumbai with
a request to issue a suitable press note.
The Law and Judiciary Department/Desk - III, IV, VI, IX, XII, XIII, IVX,
XXII, XXIII, XXV and 'B' Branch,

The Manager, Government Central Press, Mumbai with a request to publish
the notification in the Maharashtra Government Gazette, Extraordinary, Part IV - A and
send 100 copies thereof to this Department

The Select file / Desk- XI


(S.S. Shinde)
Joint Secretary
Government of Maharashtra